

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2016-090702

03/14/2016

JUDGE PRO TEM VERONICA W. BRAME

CLERK OF THE COURT  
L. Rawlings  
Deputy

IN RE THE MATTER OF  
DWAYNE TOONE

DWAYNE TOONE  
3967 E SAN REMO  
GILBERT AZ 85234

AND

REBECCA TOONE

REBECCA TOONE  
1441 S LINDSAY RD APT 1054  
MESA AZ 85204

JUDGE GREEN

**HEARING ON ORDER OF PROTECTION**  
**ORDER AMENDED**

Courtroom: 304 SEF

10:05 a.m. This is the time set for a contested hearing on the Order of Protection issued on February 23, 2016 to Dwayne Toone against Rebecca Toone. Plaintiff, Dwayne Toone, is present on his own behalf. Defendant, Rebecca Toone, is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Prior to commencement of proceedings, Dwayne Toone and Rebecca Toone are sworn.

The parties are instructed as to courtroom protocol.

The Court advises the Defendant of the application of the *Brady* law. Defendant is advised that the Order of Protection that is currently in place does not prohibit her from

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possessing firearms. However, after the hearing, if the Court determines that the Order of Protection should be affirmed or amended, *Brady* will apply and the Defendant will be prohibited from possessing or purchasing firearms or ammunition until the Order expires one year after service of the original Order. (In this case, Defendant was served on February 23, 2016.)

Defendant is advised that if she has any pending criminal charges, then any admission made in court can be used against her. Defendant acknowledges this and wishes to proceed with the hearing.

Defendant advises the Court that she only wishes to have the parties' child removed from the Order of Protection.

Based upon the matters presented herein,

The Court proceeds with testimony as to the minor child only.

**Plaintiff's Case:**

Plaintiff rests.

Dwayne Toone testifies.

**Defendant's Case:**

Rebecca Toone testifies.

Defendant rests.

Based upon the testimony presented herein,

**THE COURT FINDS** by a preponderance of the evidence that there is reasonable cause to believe that the Defendant has committed an act of domestic violence within the last year, as alleged in Plaintiff's *Petition for Order of Protection* dated February 23, 2016, or may commit an act of domestic violence in the future. However,

**IT IS ORDERED** modifying Plaintiff's Order of Protection as indicated in the Amended Order of Protection issued this date.

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**LET THE RECORD REFLECT** that Defendant accepts service of the Amended Order of Protection in open court this date.

Both parties are provided copies of the Hearing Order Modifying Order of Protection, Amended Order of Protection, *Brady* Notice, and Acceptance of Service by the above-named deputy clerk.

FILED: Hearing Order Modifying Order of Protection  
      *Brady* Notice  
      Amended Order of Protection  
      Acceptance of Service

11:15 a.m. Hearing concludes.

All alleged violations of this Order of Protection are to be reported to the police department.

**PLEASE NOTE:** This courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$30.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the FTR courtrooms. You may also request to purchase a copy of a CD of a hearing in a courtroom are directed to call **605-506-7100 (leave details on voice mail)** or **email** your request to: [ers@superiorcourt.maricopa.gov](mailto:ers@superiorcourt.maricopa.gov).

**All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.**